

## GOOD HUSBAND IS THE MORE VALUABLE

Supreme Court Holds Character of Man Admissible in Damage Suit.

OTHER CASES ARE DECIDED

OPINIONS HANDED DOWN IN A NUMBER OF APPEALS.

### SUPREME COURT OPINIONS.

**Bingham Livery & Transfer company versus R. D. McDonald.** Reversed Judge C. W. Morse, Third district, with instructions to set aside judgment and enter new findings.

**Heber J. Grant versus Franklin Lawrence.** Affirmed Judge J. E. Frick, Third district.

**In the matter of the estate of John Jensen, Miller Green, appellant, versus Jens Jensen.** Justice J. E. Frick, affirms Judge John J. E. Frick, Fourth district.

**Samuel H. Evans and Gideon M. Price, administrators of the estate of Jesse J. Price versus Oregon Short Line Railroad company.** Affirmed Judge J. E. Frick, affirms Judge W. W. Maughan, First district.

The care taken by a man of his wife and family is held to be of intrinsic value in estimating damages for his death, in an opinion handed down by the supreme court yesterday in affirming a judgment of Judge W. W. Maughan of the first district court in an action wherein damages amounting to \$15,300 were found against the Oregon Short Line Railroad company for the death of Jesse J. Price at Richmond, Cache county, on September 19, 1907. The action was that of Samuel H. Evans and Gideon M. Price, administrators, against the Oregon Short Line Railroad company. Justice J. E. Frick writes the opinion, the other justices concurring.

Was "Model Husband." In the trial of the case Judge Maughan admitted testimony tending to show the care taken by Mr. Price of his wife, practically an invalid, and his care for his eight children. The evidence showed that he was a "model husband." Attorneys for the Short Line protested against this, but the supreme court holds that this is important testimony which tends to show the real damages. In discussing this the supreme court says:

"One husband and father may be of great comfort to his wife and minor children, and his society and advice may be of much benefit to them, while another man may render to his family but little, if anything, in this regard, yet both may provide money, or means

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## SCHUMACHER WILL ACT FOR HAWLEY

Denver Newspaper Insists That Gould Railroads Are Passing Out of His Control.

More "inside information" on who is who in the Denver & Rio Grande and the Western Pacific roads comes from Denver, in which reference is made to S. V. Derrah, assistant general freight agent of the Denver & Rio Grande, with headquarters in Salt Lake. The Denver Times contains the following under the caption, "Hawley's Man Supreme in Traffic."

"The first tangible evidence of the separation of the Denver & Rio Grande and Western Pacific roads comes from the so-called Gould system has just come to light in this city. The authority of the traffic directors of all the Gould lines has not been extended to the Pacific coast outlet of the Denver road, and T. M. Schumacher, who came to these lines last December, vice president, has actually been placed in supreme authority."

"Mr. Schumacher, whose appointment is said to have been made by Edwin Hawley personally, has been given more authority than A. S. Hughes of Denver, traffic director of the Denver & Rio Grande, and E. B. Boyd of Chicago, whose title is assistant to the vice president of all the Gould lines in charge of traffic. He has separated a number of Denver & Rio Grande and Missouri Pacific offices in various parts of the country, which have been jointly operated in the past, and has otherwise been engaged in organizing the traffic departments of the Denver & Rio Grande and Western Pacific Independent of the other Gould roads."

"It is learned from excellent authority that Mr. Schumacher is not consulting anyone as to what the Denver & Rio Grande and Western Pacific are going to do except as far as he chooses of his own volition."

"This became known here yesterday when S. V. Derrah, assistant general freight agent of the Denver & Rio Grande, came to this city to consult with Mr. Hughes. Mr. Derrah has been making up Western Pacific tariffs and has learned that Mr. Schumacher has more authority on the Denver & Rio Grande and Western Pacific than any man this side of New York city."

"It is not generally known that Mr. Schumacher is also vice president of the Denver & Rio Grande, and the information is important in connection with the apparently correct statements recently published that he is representing Edwin Hawley. Otherwise there would be no occasion for making a distinct separation of the Denver & Rio Grande and Western Pacific from the other Gould roads in the management of their traffic departments."

### PITIFUL STORY TOLD BY A CRIPPLED WIFE

Frances Cowles Asserts Husband Deserted Her and She Had to Be Supported by Charity Funds.

Three interlocutory and four final decrees were handed out yesterday by Judge C. W. Morse at the weekly divorce matinee in the district court, during rather a quiet session. It had been expected that the Bess case would come before the court in one phase or another, but the hearing was continued for a week by consent of both parties, and the fight of Robert Edward Bess for custody of his six children will then be heard in part.

William Shovel was granted a decree from Mary F. Woodard Shovel on the showing that she had been guilty of cruelty during their married life. They were married in Salt Lake on November 21, 1894, and the husband says his wife often struck him. He got the divorce.

Frances Cowles, a cripple, told a pitiful story of the desertion of Charles Cowles at Leadville, Colo., a week after they were married on April 6, 1909. Cowles induced her to go to Leadville from Salt Lake with him, and then after marrying her, deserted and left her stranded. Some time later a baby was born, and the mother was forced to live off the support of the county. She appealed to her husband for support, she said, but he refused. She was later able to return to Salt Lake. As the baby died, Judge Morse restored her to her maiden name of Frances Kinsell, and gave her \$20 against the husband for her attorney.

Desertion was charged by Edward Roselund against Mary Roselund, whom he married at Titusville, Pa., on September 28, 1893. Judge Morse granted the decree. Final decrees were granted in the following cases, for which interlocutory decrees were handed down six months ago or more: Albert L. Baker against Blanche Baker; W. J. Atkinson against Mary Atkinson; Nonalle Molyneux against Harry Molyneux; and Sarah Whittemore against Edward Whittemore.

## USE ALLEN'S FOOT-EASE.

The antiseptic powder to be shaken into the shoes. If you have tired, aching feet, try Allen's Foot-Ease. It rests the feet and makes new or tight shoes easy. Cures aching, swollen, hot, sweating feet. Relieves corns and bunions of all pain and gives rest and comfort. Always use it to break in new shoes. Try it today. Sold everywhere. 35c. Don't accept any substitute. For FREE trial package address Allen S. Olmsted, Le Roy, N. Y.

## ONE OF THE GANG MADE CONFESSION

San Francisco Commissioner of Police Had Dealings With the Bunco Men.

San Rafael, Cal., April 29.—Henry P. Flannery, president of the board of police commissioners of San Francisco, was today indicted by the Marin county grand jury on a charge of grand larceny. Bench warrants have been issued and the bail bond fixed at \$2,000.

The indictment of Flannery followed an investigation by the Marin county grand jury into the operations of a gang of alleged pool room bunco men and wire tappers, who were arrested in a raid on their headquarters at Sausalito.

At the time of the arrest of Joseph Abbott, Frank Hazel and Frank McSherry it was charged that Flannery had interested himself in their cases to the extent of securing legal services for them.

Later the arrested men denied this and the story was not revived until Abbott testified before the grand jury Wednesday that he had come to San Francisco relying on a promise that police protection would be extended to him by Flannery. When the news of the confession became public, Mayor McCarthy suspended Flannery from his position as head of the police commission. The grand jury met again today, after a recess of one day and the indictment of Flannery followed.

The grand jury is still considering the evidence regarding Flannery, and it is reported that other indictments against him, on different charges, may be brought in.

### FLANNERY ARRESTED.

San Francisco, April 29.—Harry P. Flannery was formally placed under arrest by Sheriff W. P. Taylor of Marin county late this afternoon. The warrant was served upon the police commissioner as he lay in bed at his home. Doctors' certificates were shown by Mrs. Flannery stating that the patient was still too ill to leave his room and Sheriff Taylor announced that he would remain until Flannery had recovered sufficiently to accompany him to San Rafael.

Taylor had been in the house but a short time when he received word from his office that a bond to the amount required by the court for Flannery's release had been filed. The sheriff was satisfied as to the legality of the procedure and left.

Police Commissioner Flannery has been ill at his home ever since Abbott's evidence before the grand jury became public and has refused to see visitors. His friends have issued statements in his behalf, denying complicity in or knowledge of the alleged pool room operations.

Although he has relieved Flannery of his duties as head of the police commission, Mayor McCarthy said today that he would take no further action in the case until he had received official confirmation of the commissioner's removal. He gave no intimation as to his intention after such confirmation.

Flannery is the proprietor of a saloon and was a Democratic presidential elector in the last election. He was appointed a commissioner of police by Mayor McCarthy and was in charge of financial end of the latter's campaign last fall.

"The evidence in the hands of the Marin county authorities may lead to much more sensational charges and may form the basis for a wider investigation in San Francisco. The opposite also may be true."

We will use the Marin county investigation of criminal acts committed in San Francisco for which Flannery, as police commissioner, could be indicted."

### FOR SIX-MILE CANAL.

George M. Miller Files Application for Right of Way.

George M. Miller of Huntington, Utah, yesterday filed with the United States land office an application for a right of way for the construction of a canal and reservoir in Emery and Carbon counties. The petitioner represents the Twin Peaks reservoir association, and it is proposed to construct a canal starting at Miller Creek in Carbon county, and running in a southeasterly direction through townships 15 and 13 south, range 9 east, and into Emery county, to connect with the proposed reservoir. The canal is estimated will be six miles in length and will carry the waters of Miller Creek to the reservoir. The length of the dam is given as 1,802.02 feet and its height as 18 feet. The area of the reservoir will be 114.07 acres, and its capacity 550 acre feet.

The application will be sent to Washington for the approval of the secretary of the interior. The company is ready to start work immediately, and it has five years in which to complete the canal and reservoir.

### EXCURSIONS EAST

Via Oregon Short Line.

To Cheyenne or Denver ..... \$22.50  
To Colorado Springs or Pueblo ..... 22.50  
To Omaha or Kansas City ..... 40.00  
To St. Louis ..... 40.00  
To St. Paul or Minneapolis ..... 42.00  
To Chicago ..... 55.00  
Proportionately low rates to other points.

Tickets on sale May 6, 14, June 4, 11, 18, 27, July 7 and 28, August 4 and September 14 and 23. Limit, October 31. For further particulars see agents.

CITY TICKET OFFICE 291 MAIN ST.

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First M. E. church, corner Second South and Second East, this morning at 10 o'clock.

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\$7.00 Suits go in this sale for ..... \$5.25  
\$8.00 Suits go in this sale for ..... \$5.75

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To St. Louis ..... 40.00

To Minneapolis and St. Paul ..... 42.00

To Chicago ..... 55.00

Low rates to many other points.

Selling dates—May 6, 14, June 4, 11, 18, 27, July 7, 28, August 4, September 12, 23.

All tickets good returning until October 31.

City Ticket Office, 301 Main Street.

Opening Ball Wandamere, Saturday, April 30. Admission 25c.

Sanders-Granger Floral Co. have removed to former quarters, 3d So. and Main. Carnations, 50c per dozen, Saturday only.

# THE WELCOME APPROACH OF MAY

Should Remind Parents That They and Their Children Can Buy Their Spring and Summer Clothing at the

## GREAT SALE AT THE PEOPLES' CASH DEPT. STORE

Commencing TODAY, and Continuing Through the First Week in May, with New and Up-to-Date General Merchandise and the Finest and Greatest Line of Children's Fine Straw Hats in Utah.

Our Millinery Department is Offering Every Up-to-Date Hat for Ladies, Misses and Children.

Ladies' Trimmed Hats from ..... \$1.95 to \$10.00	Ladies' Black and Seersucker Petticoats, worth \$1.25 to \$1.50—sale ..... 59c to 79c	Boys' Suits, sale ..... \$1.25
Misses' from ..... \$1.50	Ladies' Fanny Wash Suits from ..... \$6.95	Boys' Indian Suits ..... \$1.50
Children's from ..... 49c	Ladies' Wash Waists from ..... 69c	Wash Suits from ..... 98c
Women's, girls' and boys' Yard and Canyon Hats at ..... 15c	Silk Waists at ..... Half Price	Men's Shirts ..... 45c
Ladies' Suits, \$18 values, sale ..... \$8.45	Ladies' Muslin Underwear at Immense Reductions.	Men's Underwear, garment ..... 39c
\$20 values, sale ..... \$9.95	Ladies' White Muslin Embroidered and Lace Skirts from ..... 79c to 89c	Ties, Suspenders ..... Special Prices
Ladies' Wash Skirts and Dresses		

In the Dry Goods Dept.		Great Bargains in the Shoe Dept.	
WE HAVE ON SALE—			
10c Percales, sale ..... 6 3/4c	12 1/2c Swiss Curtains, sale (yard) ..... 10c	Men's Calf Shoes at ..... \$1.75	Misses' Strap Slippers, \$2 values, sale ..... 98c
12 1/2c Percales, sale ..... 8 3/4c	Egyptian Curtain Serim, 25c value, sale ..... 15c	Patent Oxfords, sale ..... \$2.49	Boys' Calf, blucher styles, sizes 9 to 13, sale ..... \$1.25
Ginghams, 10c value, sale ..... 6 3/4c	30c value, sale ..... 20c	Men's Chrome Tan Work Shoes, value \$4.00, sale price ..... \$2.95	Barefoot Sandals ..... 65c, 75c, 85c and \$1.00 (Splendid Values)
Flaxon Waistings ..... 25c, 30c, 35c	A pretty lot of Linen Lunch Cloths, pretty designs, \$1.00 values, sale ..... 75c	Ladies' Oxfords and Pump Slippers, kid and patent, values \$2.50, sale ..... \$1.98	Children's Kid Lace Shoes, double sole, sale ..... \$1.15
(Bargain Values)	NOTIONS HALF PRICE	Ladies' Shoes, blucher style, patent tip, value \$2.00, sale ..... \$1.49	All kinds of Infants' Shoes.
Check Dimities from (yard) ..... 12 1/2c	Dutch Collars, pretty designs ..... 25c, 35c, 49c (Worth Double)		
(Great Values here)	Specials on Embroidery, yard—5c 9c 15c 25c 49c (Worth Double)		
Seco Silk, 45c values, sale (yard) ..... 25c			

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